

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

ANAHEIM GARDENS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 93-655C
	)	(Judge Tapp)
THE UNITED STATES,	)	
	)	
Defendant.	)	

**JOINT STATUS REPORT**

Pursuant to the Court's December 13, 2023 order (ECF No. 736 at 2), plaintiffs, Anaheim Gardens, *et al.* (specifically, the Second-Wave Plaintiffs (SWPs)), and defendant, the United States, respectfully provide the following joint status report regarding the parties' discovery efforts since the filing of their November 15, 2024 joint status report. The parties supplement their January 15, 2025 interim joint status report. ECF No. 807.

1. Since the filing of the parties' December 16, 2024 joint status report, SWPs served responses to the United States' sixth set of interrogatories and eighth set of requests for production on December 23, 2024.
2. SWPs made a production of documents to the United States on December 23, 2024.
3. The United States served amended initial disclosures on December 26, 2024.
4. On January 13, 2025 (three days before the close of discovery), the United States served amended and supplemental responses to specific interrogatories in SWPs' second set of interrogatories, which were served on April 3, 2024. On January 16, 2025, the United States served an amended response to Interrogatory No. 5 in SWPs' second set of interrogatories.
5. SWPs served their second amended initial disclosures on January 15, 2025.

6. Since the filing of the parties' December 16, 2024 joint status report, the United States has taken depositions pursuant to Rule 30(b)(6) of the Rules of the United States Court of Federal Claims (RCFC) of SWPs and has taken the depositions of individuals, including individuals identified by SWPs, in their March 4, 2024 amended initial disclosures, as being likely to have discoverable information that SWPs may use to support their claims or defenses. Because SWPs added two such individuals in their second amended disclosures served shortly before 5:00 pm on January 15, 2025 (one day before the close of discovery), the United States was not able to take the depositions of these individuals.

7. On January 16, 2025, SWPs took the deposition of Maurice Barry and took a RCFC 30(b)(6) deposition of the United States. At that deposition, the United States produced more than 300 pages of documents that were not previously produced in response to SWPs' document requests. Because they were not produced by the United States before the deposition, SWPs were not able to review those documents before deposing Maurice Barry or the United States. The United States responds that, at the deposition, the United States provided SWPs' counsel with copies of documents that Mr. Barry might use to assist him in providing testimony related to over 60 properties and the broad topics in SWPs' RCFC 30(b)(6) notice of deposition. These include documents summarizing basic information about SWPs' properties. Most of the remaining documents are ones that SWPs' counsel already has, of which they must be aware, or that are publicly available, such as publicly-available HUD Notice PIH 2001-401 (HA) (totaling 38 pages) and Form HUD-9807 and its attachments (totaling 18 pages). These documents include 16 memoranda (called "preservation letters") issued by the United States Department of Housing and Urban Development (HUD) in 1996 and 1997 (totaling 140 pages); all but two (totaling four pages) were produced to plaintiffs many years ago in a different format (as

typewritten memoranda as opposed to the format in which they are now found on HUD's publicly-accessible webpage). Further, one document (totaling 40 pages) is Public Law No. 104-134 (April 26, 1996), appropriations legislation related to the Housing Opportunity Program Extension Act of 1996 (HOPE Act), P.L. No. 104-120, 110 Stat. 834 (Mar. 28, 1996).

8. On January 16, 2025, the United States made another production of documents.

9. On January 16, 2025, defendant noticed the deposition of John Ames and the 30(b)(6) deposition of Anaheim Gardens, L.P., for February 12, 2025.

10. Counsel for the United States engaged in a review of the documents produced by SWPs and by the United States and preparation for the depositions described above. Counsel for the SWPs also prepared for the depositions described above and reviewed documents previously produced by the SWPs and by the United States.

Respectfully submitted,

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January 21, 2025